

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA  
CLARKSBURG**

**MARKS CONSTRUCTION CO., INC.**  
**a West Virginia Corporation, on behalf**  
**of the Marks Construction Co., Inc. 401(k)**  
**Profit Sharing Plan**  
**and**  
**JAMES MARKS, KAREN MARKS,**  
**ANGELA DAVIS, and RICHARD STRAIGHT,**  
**all individual participants thereunder,**

**Plaintiffs,**

**v.**

**Civil Action No. 1:05CV73**  
**(Judge Frederick P. Stamp, Jr.)**

**THE HUNTINGTON NATIONAL BANK and**  
**SHARON HUGHES,**

**Defendants.**

**NOTICE OF APPEAL**

Notice is hereby given that The Huntington National Bank and Sharon Hughes hereby appeal to the United States Court of Appeals for the Fourth Circuit from the Judgment in a Civil Action entered on August 27, 2010.

Dated this 22nd day of September, 2010.

Respectfully submitted:

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*Counsel for The Huntington National Bank  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 22, 2010, I electronically filed the foregoing  
“Notice of Appeal” with the Clerk of the Court using the CM/ECF system, which will  
send notification of such filing to the following:

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